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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,835	01/22/2002	Jonathan Hughes	VE/3-21907/AC 464/PCT	8527

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PATENT DEPARTMENT  
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EXAMINER

NAFF, DAVID M

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/031,835	<b>Applicant(s)</b> HUGHES ET AL.	
	<b>Examiner</b> David M. Naff	<b>Art Unit</b> 1651	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/29/02</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

In a response of 7/19/04 to a restriction requirement of 6/17/04, applicants elected Group I claims 1-13 and 17-20 with traverse on the ground that claim 15 contains all the limitations of claim 1.

5 However, claim 15 does not contain all the limitations of claim 1 since in claim 1 addition to the medium is subsequently or simultaneously whereas in claim 15 addition is not specified as being subsequently or simultaneously. Therefore, the process of claim 1 can be performed by simultaneous addition, which is not required in claim  
10 15. The restriction requirement is still considered proper and is adhered to and made final.

Claims 14 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely  
15 traversed the restriction (election) requirement in the reply filed on 7/19/04.

Claims examined on the merits are 1-13 and 17-20.

**Specification**

The disclosure is objected to because of the following  
20 informalities: the specification fails to contain headings designating different sections.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

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The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
  1. Field of the Invention.
  2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

The following suggestions are made.

Page 1,

above line the first paragraph insert --

BACKGROUND OF THE INVENTION

1. Field of the Invention

Between lines the first and second paragraph insert --

2. Description of the Related Art

Page 3, between lines second and third paragraphs insert --

SUMMARY OF THE INVENTION

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Page 4, between the second and third complete paragraphs insert -

DETAILED DESCRIPTION OF THE INVENTION

5 Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C.

112:

10 The specification shall contain a written description of the invention, and of the  
manner and process of making and using it, in such full, clear, concise, and exact  
terms as to enable any person skilled in the art to which it pertains, or with  
which it is most nearly connected, to make and use the same and shall set forth the  
best mode contemplated by the inventor of carrying out his invention.

15 Claims 1-13 and 17-20 are rejected under 35 U.S.C. 112, first  
paragraph, because the specification, while being enabling for the  
process when requiring the limitations of claims 1, 8, 9, 11 and 12 in  
combination, does not reasonably provide enablement for a other  
20 embodiments. The specification does not enable any person skilled in  
the art to which it pertains, or with which it is most nearly  
connected, to make and use the invention commensurate in scope with  
these claims.

25 When carrying out the invention substantially different than in  
working embodiments, it would have speculation and unpredictable as to  
results that will be obtained. The claims must be commensurate in  
scope with the specification.

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**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 5 of claim 1, the meaning and scope of "substantially non-ionic" is uncertain. The amount of non-ionic that is "substantially" is uncertain.

In line 2 of claim 12, the abbreviation should be replaced with the full name to be clear.

In line 3 of claim 5, "is preferably" makes unclear as to limitation that are to be patentably limiting.

**Conclusion**

The claims are free of the prior art.

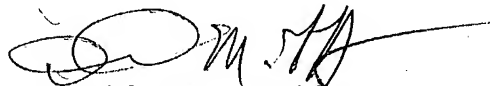
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is 571-272-0920. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-

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0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David M. Naff  
Primary Examiner  
Art Unit 1651

DMN

15 10/4/04